



IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Richmond Division

UNITED STATES OF AMERICA

v.

JOHN C. WILLARD, JR.,

Defendant.

Criminal No. 3:10CR154

STATEMENT OF FACTS

The United States and the defendant stipulate that the following facts are true, and had this matter proceeded to trial the United States could have proven them beyond a reasonable doubt:

During all relevant times set forth in this Statement of Facts, the defendant, JOHN C. WILLARD, JR., resided in Mechanicsville, Virginia, and Ashland, Virginia, which are located in the Eastern District of Virginia.

On or about March 25, 2008, Special Agent A.M. Christoph of the Federal Bureau of Investigation ("FBI") San Diego Division, working in an undercover capacity, accessed the Internet and connected to a peer-to-peer file sharing network and conducted a search for images of child pornography, using a known search term commonly associated with images of child pornography on that file sharing network. A review of the search results showed file names containing the search term available for download from Internet protocol (IP) address

24.125.166.216. Special Agent Christoph conducted a search of other files available at this IP address and determined that many of the files had names indicative of child pornography.

From on or about March 25, 2008, 12:49 PM PDT to 12:54 PM PDT, Special Agent Christoph downloaded seven image files from IP address 24.125.166.216, three of which depicted children engaged in sexually explicit conduct, to include: nude, prepubescent females lasciviously exposing their genitalia, and a nude, pubescent female being anally penetrated by an adult male.

In response to a Department of Justice subpoena, Comcast advised that at the date and time frame during which Special Agent Christoph downloaded the aforementioned files, IP address 24.125.166.216 was assigned to John C. Willard, at a residence in Mechanicsville, Virginia. Investigation revealed that the defendant, JOHN C. WILLARD, JR., was living at this residence in Mechanicsville with his father, John C. Willard, during the time of Special Agent Christoph's downloads in March 2008, but that in or about Spring 2008, he had moved to another residence in Mechanicsville, Virginia, and in or about Spring 2009, had then moved to Ashland, Virginia.

On August 27, 2009, law enforcement officers executed a federal search warrant at the residence of the defendant located in Ashland, Virginia, within the Eastern District of Virginia, where they seized, among other things, a Compaq desktop computer, model SR5000, serial number CNX81129GN, containing a hard drive, as well as a Barracuda 7200, 200 GB hard drive, model ST3200822AS, serial number 4LJ14Y5C, all belonging to the defendant.

A forensic analysis performed by the Richmond Division of the Federal Bureau of Investigation on the two hard drives disclosed over 300 still and 67 video image files of child

pornography, saved within user-created subfolders that were configured to receive defendant's downloads from a peer-to-peer file sharing program. These images depict sexually explicit conduct as defined by 18 U.S.C. § 2256(2)(A). The pornography depicts prepubescent minors or a minor who had not attained the age of 12 years and includes material that portrays sadistic or masochistic conduct or other depictions of violence, including the video image file, "Pedo-Vicky-(Pthc) The 107 Minutes Collection.mpeg," which provides the basis for Count Five of the pending Indictment. This image file is a compilation of video images of minors engaged in sexually explicit and sadistic or masochistic conduct, including actual sexual intercourse and images of bondage. This video file, which lasts approximately one hour and 45 minutes, traveled in interstate and foreign commerce before the defendant downloaded it on August 19, 2008, onto his Compaq computer located in the Eastern District of Virginia.

On August 27, 2009, after waiving his rights under *Miranda*, the defendant gave a knowing and voluntary statement to Special Agent George Howell and Hanover Task Force Officer David Klisz. The defendant admitted that he used a peer-to-peer file sharing program to search for and download pornography via the Internet. He stated that he was primarily interested in obtaining pornography of "barely legal" teenagers and explained that once he found an active host from whom to download, that he would browse the host and download files—either downloading all the files a host was sharing or selecting files based on filename. The defendant claimed that he sometimes would inadvertently download files of prepubescent females though he denied having any sexual interest in children. He explained that he stored his pornography collection in one folder on his computer's hard drive and said that he would have deleted any

images of prepubescent children that he may have “inadvertently” downloaded, though there might be “one or two” files that he missed.

As part of his guilty plea, the defendant acknowledges that he committed the above conduct knowingly and intentionally, not by accident or mistake, and that he knew his conduct was illegal at the time.

Respectfully submitted,

NEIL H. MACBRIDE
UNITED STATES ATTORNEY

By:


Elizabeth C. Wu
Assistant United States Attorney


Samuel E. Fisher
Special Assistant United States Attorney

After consulting with my attorney and pursuant to the plea agreement entered into this day between myself and the United States, I hereby stipulate that the above Statement of Facts are true and accurate and had the matter proceeded to trial, the United States would have proved the same beyond a reasonable doubt.


JOHN C. WILLARD, JR.
Defendant

I am counsel for Defendant. I have carefully reviewed the above Statement of Facts with him. To my knowledge, his decision to agree to this Statement of Facts is an informed and voluntary decision

Wm Block
W. BRYAN BLOCK VSA# 66527
CO-COUNSEL FOR:
Atchuthan Sriskandarajah, Esquire
Counsel for Defendant